

CRIMINAL CAUSE FOR SENTENCING

BEFORE: SEYBERT, J.

DATE: 12- 7-2004 TIME: 11:30

DOCKET NUMBER: CR 02-1344

TITLE: USA-V-

DEFT NAME: MICHAEL FOX

DEFT: #

PRESENT  NOT PRESENT  IN CUSTODY  ON BAIL

GINO JOSH SINGER;

ATTY FOR DEFT: MICHAEL MACKLOWITZ

C.J.A.

PRESENT  NOT PRESENT

RETAINED

A.U.S.A.: MARK LESKO; RICHARD LUNGER DEPUTY CLERK: C. BARAN

U.S.P.O.: A. JINGELESKI

REPORTER: S. DREXLER

CASE CALLED FOR SENTENCE. COUNSEL FOR ALL SIDES PRESENT.

STATEMENTS OF DEFT AND COUNSEL HEARD.

DEFENDANT OBJECTIONS TO THE PSR ARE NOTED.

RULINGS RE: GUIDELINES ARE ENTERED ON THE RECORD.

PSR ADOPTED.

PSR ADOPTED, AS AMENDED.

GUIDELINES ARE ADOPTED.

GUIDELINES ADOPTED, AS AMENDED.

THE DEFENDANT IS SENTENCED AS FOLLOWS:

THE DEFENDANT IS SENTENCED TO A PERIOD OF IMPRISONMENT OF 12 MONTHS AND 1 DAY ON COUNTS 1, 2 (CONCURRENT), TO BE FOLLOWED BY A PERIOD OF SUPERVISED RELEASE OF 3 YEARS ON COUNT 1 AND 5 YEARS ON COUNT 2 (CONCURRENT).

SPECIAL CONDITIONS OF SUPERVISED RELEASE:

THE DEFENDANT SHALL NOT POSSESS A FIREARM.

OTHER: THE DEFENDANT SHALL MAKE FULL FINANCIAL DISCLOSURE TO THE PROBATION DEPT. AND PAY RESTITUTION OF \$46,305,239.00.

THE DEFENDANT SHALL ADHERE TO TERMS OF FINAL ORDER OF FORFEITURE.

- THE DEFENDANT SHALL BE FINED THE SUM OF \$
- X THE FINE SHALL BE WAIVED DUE TO THE DEFENDANT'S INABILITY TO PAY SUCH A FINE.
- X SPECIAL ASSESSMENT OF \$ 100 IS IMPOSED ON EACH COUNT FOR A TOTAL ASSESSMENT OF 200.00 .
- X THE DEFENDANT'S MOTION FOR A DOWNWARD DEPARTURE OF THE GUIDELINES IS HEREBY: GRANTED.
- X DECISION ENTERED ON THE RECORD.
- ON MOTION OF THE AUSA THE REMAINING COUNTS OF THE INDICTMENT AND/OR SUPERSEDING INDICTMENT ARE HEREBY DISMISSED.
- X THE DEFENDANT IS ADVISED OF HIS RIGHT TO APPEAL.
- OTHER :

THE DEFENDANT        REMAINS IN CUSTODY. X REMAINS ON BAIL.  
       IS REMANDED.  
X SHALL SURRENDER ON     7-25-2005.